

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MISSOURI  
SOUTHERN DIVISION

MONICA DANIEL HUTCHISON,

Plaintiff,

v.

TEXAS COUNTY, MISSOURI,  
MICHAEL R. ANDERSON,  
TEXAS COUNTY PROSECUTING  
ATTORNEY, and  
MICHAEL R. ANDERSON, individually,  
Defendants.

Case No.: 09-3018-CV-S-RED

**DEFENDANT ANDERSON'S PROPOSED VOIR DIRE**

COMES NOW Defendant Michael Anderson, by and through counsel, and submits the following proposed voir dire examination for the court's use in examination of the jury pool in the above captioned case, together with a proposed summary of the case for the use of the court in describing this case to the jury:

**PROPOSED SUMMARY**

Michael R. Anderson is the Prosecuting Attorney for Texas County, Missouri. Monica Daniel Hutchison was employed by Mr. Anderson as his administrative assistant from January 2003 through December 2005. Monica Daniel Hutchison resigned her employment with Texas County on December 23, 2005. Ms. Hutchison claims that, because of certain actions of Mr. Anderson, her Constitutional rights were violated by Mr. Anderson, and she has brought this legal action against him seeking monetary damages for the alleged violation of her Constitutional rights. She also claims that Mr. Anderson, because of certain actions, intentionally inflicted emotional distress upon her.

She further alleges that because of statements Mr. Anderson made in the press and a legal proceeding he filed against her, she has been defamed and sustained damage to her reputation. She also claims that Mr. Anderson maliciously instituted a legal proceeding against her in the Circuit Court of Texas County, Missouri. Finally, Ms. Hutchison claims that Mr. Anderson abused legal process when he used an investigative subpoena to obtain a tape recording of statements he made to Ms. Hutchison.

Mr. Anderson claims that Ms. Hutchison had brought discredit to his office because of statements she made to members of the public about him and by certain actions taken by her which warranted her dismissal from the prosecuting attorney's office, and that because of Ms. Hutchison's prior conduct, her reputation in Texas County was such that it could not be damaged. Further, he claims that any statements he may have made regarding Ms. Hutchison were true. He further alleges that he had a valid basis for the legal action he commenced against Monica Daniel Hutchison. He further denies that his use of an investigative subpoena was in any way abusive.

### **PROPOSED VOIR DIRE QUESTIONS**

1. Do any of you have any prior knowledge of this incident through television reports, newspapers, the internet, or from hearing a discussion about these events?
2. Individual questions of jury pool:
  - a. Please state your name, address, occupation for the last ten years;
  - b. Whether or not you are married, if you are married, your spouse's name and occupation;

c. Any children you may have and your children's occupations.

3. Plaintiff Monica Daniel Hutchison is represented by David Steelman and Stephen Gaunt of the law firm of Steelman, Gaunt & Horsefield in Rolla, Missouri. The other members of that firm are Patrick J. Horsefield and Kristopher D. Crews:

- a. Has this firm or any of the attorneys ever represented any of you or a member of your immediate family;
- b. Has this firm or any of the attorneys ever been on the other side of a case involving you or a member of your immediate family;
- c. Do any of you know any member of this firm personally, professionally or by reputation;
- d. Have any of you been a panelist for a jury on any case in which anyone from this firm was involved?

4. David Steelman's wife is Sarah Steelman, the former State Treasurer of the State of Missouri and she has a weekly radio program on KWTO AM in Springfield. Have any of you or any member of your immediate family ever actively campaigned for or contributed money to the campaign of Sarah Steelman?

5. Defendant Michael R. Anderson is represented by Warren E. Harris and Kevin M. FitzGerald of the law firm of Taylor, Stafford, Clithero, FitzGerald & Harris in Springfield. The other members of the firm are Lance A. Roskens, who is also present in court, Monte P. Clithero, Joshua L. Mareschal and Emily Omohundro:

- a. Has any member of this firm ever represented any of you or a member of your immediate family;

- b. Has the firm ever been on the other side of a case involving any of you or a member of your immediate family;
  - c. Do any of you know any member of this firm personally, professionally or by reputation;
  - d. Have any of you been a panelist for a jury on any case in which anyone from this firm was involved?
6. Plaintiff Monica Daniel Hutchison currently resides in Cuba, Missouri. She formerly resided in Licking, Missouri. Do any of you know Monica Daniel Hutchison either personally, professionally or by reputation?
7. Plaintiff Monica Daniel Hutchison is a licensed counselor. Have any of you or any member of your immediate family ever been seen by Ms. Hutchison in her capacity as a counselor?
8. Do any of you know any of the following individuals:
- a. Michael R. Anderson, Cabool, MO.
  - b. Diane Anderson, Cabool, MO.
  - c. Bradford E. Ellsworth, Esq., Cabool, MO.
  - d. Terry Haden, Solo, MO.
  - e. Stephanie Creek Pounds, Houston, MO.
  - f. Carl Creek, Licking, MO.
  - g. Lt. Michael Hood, Licking Police Department, Licking, MO.
  - h. Scott Lindsey, Chief of Licking Police Department, Licking, MO.
  - i. Carl Watson, Sheriff of Texas County, Houston, MO.
  - j. Danny McNew, Jefferson City, MO.

- k. Christina Mosley, Raymondville, MO.
- l. Brad Eidson, Houston, MO.
- m. Seth Walker, Licking, MO.
- n. Tom Cline, Ozark County Prosecuting Attorney, Gainesville, MO.
- o. Kenneth Clayton, Rolla, MO.
- p. Lorette Smith, Bucyrus, MO.
- q. Dr. Elizabeth Pribor, St. Louis, MO.
- r. Linda Garrett, Houston, MO.
- s. Mildred Williams, Yukon, MO.
- t. Lisa Scott, Houston, MO.
- u. Sgt. Jeff Kinder, Licking, MO.
- v. George Falterman, Missouri State Highway Patrol, Troop G, Willow Springs, MO.
- w. Eric Hackman, Missouri State Highway Patrol, Troop G, Willow Springs, MO.
- x. Dwayne Gail, Missouri State Highway Patrol, Troop G, Willow Springs, MO.
- y. Brad Gentry, Houston, MO.
- z. Dr. Christopher Long, MD, St. Louis, MO.
- aa. Angie Payton, Brookshire, TX.
- bb. Eddie Warlow, Licking, MO.
- cc. Lt. Melissa Dunn, Houston, MO.
- dd. Stephen C. Roberts, Missouri State Water Patrol, Ellington, MO.

ee. Jessica Sparks, Steelville, MO.

9. Are any of you acquainted with any of the individuals listed above? If so, is there anything about that acquaintance which would make you give any greater weight to that person's testimony than any other witness?

10. Plaintiff Monica Daniel Hutchison may present testimony from certain medical witnesses, including Dr. David Myers, DO, in Rolla, Missouri and Dina Vitoux, a licensed clinical social worker from Washington, Missouri. Have any of you or any member of your immediate family ever been seen by Dr. Myers or Ms. Vitoux?

11. Defendant Michael R. Anderson may present testimony from certain medical witnesses, including Dr. Elizabeth F. Pribor, MD, in St. Louis, Missouri. Have any of you or any member of your immediate family ever been seen by Dr. Pribor?

12. Michael R. Anderson was elected as the Prosecuting Attorney of Texas County, Missouri. Have any of you or any member of your immediate family ever had any dealings with Mr. Anderson as Prosecuting Attorney of Texas County, Missouri?

13. Prior to becoming the Prosecuting Attorney of Texas County, Missouri, Mr. Anderson operated a law office in Houston, Missouri. Have any of you or any member of your immediate family ever been represented by Michael R. Anderson while he was in private practice?

14. Michael R. Anderson resides in Cabool, Missouri. Do any of you know Michael R. Anderson either personally, professionally or by reputation?

15. Do any of you have any problem with your health, vision or hearing which may affect your ability to hear and see the evidence that is presented by the attorneys in this case?

16. Have any of you or any member of your immediate family ever actively campaigned for Michael R. Anderson or contributed money to his campaign?

17. As an elected official, Michael R. Anderson is a member of the Republican party. Would any of you be unable to render a fair and impartial verdict in this matter solely because Mr. Anderson is a member of the Republican party?

18. Do any of you feel or believe that because Michael R. Anderson is an attorney that he should not be entitled to the same fair and equal treatment as Monica Daniel Hutchison?

19. Do any of you have any negative feelings against lawyers generally which may interfere with your ability to be a fair and impartial juror to both parties in this matter?

20. In this case there may be some explicit testimony regarding sex. Is there anyone on the panel who would not be able to listen to such testimony or believe that it would interfere with your ability to be a fair and impartial juror in this case.

21. Monica Daniel Hutchison is claiming damage to her reputation as a result of certain actions and/or statements by Michael R. Anderson. Is there anyone who thinks he or she would not be able to listen to the evidence and determine whether or not Ms. Hutchison has sustained any damage to her reputation?

\*22. Have you, or any member of your family, ever been subjected to sexual discrimination and/or harassment?

\*23. Have you, or any member of your family, ever been prosecuted for the alleged commission of a crime?

\*This question is contained on the proposed supplemental juror questionnaire. In the event the supplemental juror questionnaire is not used or allowed by the court Defendant would propose that these questions be asked of the panel as a whole.

\*24. Have you, or any member of your family, ever been subjected to a violation of your rights by a government official?

\*25. Have you, or any member of your family, ever filed a complaint with the Federal Equal Employment Opportunity Commission, or the Missouri Commission on Human Rights?

\*26. Have you, or any member of your family, ever seen a psychologist, psychiatrist, licensed professional counselor, or other mental health professional?

\*27. Have you, or any member of your family, ever been diagnosed or treated for a mental illness?

\*28. Please indicate whether you consider yourself to be a Republican, Democrat, or Independent.

\*29. Have you ever contributed to the campaign of Michael Anderson for Texas County Prosecuting Attorney?

\*30. Have you ever voted for Michael Anderson for Texas County Prosecuting Attorney?

\*31. Have you ever voted against Michael Anderson for Texas County Prosecuting Attorney?

\*32. Have you, or any member of your family, ever been accused of sexual discrimination and/or harassment?

\*33. Have you, or any member of your family, ever been retaliated against by an employer for exercising your rights?

\*This question is contained on the proposed supplemental juror questionnaire. In the event the supplemental juror questionnaire is not used or allowed by the court Defendant would propose that these questions be asked of the panel as a whole.



34. Plaintiff Monica Daniel Hutchison is seeking punitive damages against Michael R. Anderson in this matter. Is there anyone who believes that you could not make a determination as to whether or not Plaintiff is entitled to an award of punitive damages?

35. Have you or any member of your family ever filed a lawsuit or made a claim against another person or company for damages? If so, please state:

- a. Where the lawsuit was filed and how it was resolved.
- b. Whether there was anything about that experience that would prevent you from being a fair and impartial juror in this case.

36. Have you or any member of your immediate family ever ran for or held public office?

37. Does anyone believe that a feeling of sympathy for a person who claims to have been treated wrongfully would prevent you from being able to listen fairly and objectively to all of the evidence and give Michael R. Anderson the same fair and equal treatment that you would give Plaintiff?

38. Does anyone on the panel have a feeling, belief or opinion that just because Plaintiff has filed a lawsuit and it has gotten to trial that she ought to be able to collect some money from Michael R. Anderson, regardless of the circumstances?

39. In this trial, there will be two different positions presented. Plaintiff will present her position first, then Michael R. Anderson will present his position. Do any of you believe that you would not be able to keep an open mind and refrain from deciding this case until both sides have had a fair opportunity to present their positions?

40. Have you ever served on a jury before, whether it was civil or criminal? If so:

- a. Please state whether the case was a civil or criminal case;
- b. The outcome of the case;
- c. Whether that experience would affect your ability to be a fair and impartial juror in this case.

41. Have you ever been a witness at a trial? If so, is there anything about that experience which would prevent you from being able to reach a fair and impartial verdict in this case?

42. Are you or any member of your immediate family lawyers, in law school, ever attended law school, or worked in the legal field?

43. Are you or any member of your immediate family involved in the field of psychology and/or counseling?

44. The court will instruct you in the law applicable to this case. Is there anyone who does not understand that you must follow the court's instructions on the applicable law, even though you may not personally agree with the law or the court's instructions?

45. Is there anyone who has any negative feelings about the judicial system in general, whether it be the courts themselves, judges, lawyers, or even jury service? If so, would you please share your thoughts with us?

46. Are any of you acquainted with any other member of the jury panel? If so, please describe the acquaintance for us.

47. Some of the evidence in this case may be presented through the reading of depositions or presenting videotaped testimony of witnesses rather than those witnesses appearing in person at the trial of this matter. Is there anyone who would not be able to give the same weight to such deposition testimony, whether it is presented by reading the testimony or playing portions of the videotape, as you would if the witness was here in person testifying?

48. The parties estimate this case will take approximately 5 to 7 business days to complete. Is there anyone who, because of the requirement that you be present in this courtroom every business day for 5 to 7 days, believes this would cause a hardship for any reason?

49. There may be a number of experts in psychology and/or psychiatry who will testify in this case, and those individuals may be using technical terms, and technical material may be presented during the course of their testimony. Is there anyone who believes for any reason that you could not listen to evidence presented concerning such technical matters and reach a decision that will be fair and impartial in this case?

50. Is there anyone on the panel who does not understand that if the attorneys from one side or the other object to evidence as it is presented in this case, the attorneys are not doing so in order to hide evidence from you, but are simply trying to protect the rights of their clients, so that only matters which are relevant and admissible under the law are considered by you?

51. Is there anyone who would hold it against the attorneys for one side or the other if they object on behalf of their client and prevent you from rendering a fair and impartial verdict in this case?

52. Is there anyone on the jury panel who does not understand that you are to consider only the facts presented in the case and are not to render a decision based upon any personal sympathy or emotion you may feel for either the Plaintiff or the Defendant in this case?

53. Is there anyone who, after hearing all of the questions asked, or for any reason not asked, thinks you should not be a juror in this case for whatever reason?

**TAYLOR, STAFFORD, CLITHERO,  
FITZGERALD & HARRIS, LLP**

/s/Warren E. Harris

By \_\_\_\_\_

Warren E. Harris

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**COUNSEL FOR DEFENDANT  
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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on the 30<sup>th</sup> day of November 2010 the foregoing *Defendant Anderson's Proposed Voir Dire* was electronically filed with the Clerk of the Court using the CM/ECF system which sent notification of such filing to counsel for Plaintiff, David L. Steelman and Corey L. Franklin.

/s/ Warren E. Harris

Warren E. Harris